

REMARKS

Replacement sheets for FIGS. 5 and 7 are submitted herewith to satisfy the objection to the drawings.

The specification has been amended to correct grammar and typographical errors.

Claims 5-8, 11, 13, and 14 have been canceled without prejudice or disclaimer.

Claim 12 has been amended as suggested by the examiner to satisfy the objection.

Claims 1, 2, 9, 10, and 12 have been amended to overcome the rejections.

Support for the amendment to Claims 1, 2, 9, 10, and 12 may be found in the specification (P10 L07 - P12 L08) and in FIGS. 4, 6, and 8.

Claim 15 has been added. Support for Claim 15 may be found in the original Claim 2.

Claims 1-4, 9, 10, 12, and 15 are pending in the application.

By way of this response, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the examiner telephone Jorge P. Sanchez at (858) 270-2399 to resolve such issues as expeditiously as possible.

Applicant respectfully requests examination and favorable reconsideration of Claims 1-4, 9, 10, 12, and 15.

The fee for a response filed within the first month from the due date is included with this amendment.

Response to the rejection under 35 U.S.C. § 102

Regarding the rejection of Claims 1, 2, 9, and 10, the rejection (P04) compares the pulsed pilot signal in Link et al., U.S. Patent 5,526,164 (*Link*) to the claimed test signal. The pulsed pilot signal cited by the rejection is disclosed in *Link* (F3, C03 L35-38) as a test signal having a level "much lower than the data signal"; however, the rejection fails to show that *Link* teaches that the pulsed pilot signal has a level that is commensurate with the system noise level as recited in Claims 1, 2, 9, and 10. Accordingly, the rejection fails to show that *Link* discloses the claimed test signal. Because the rejection fails to show that *Link* discloses the claimed test signal, amended Claims 1, 2, 9, and 10 are not anticipated by *Link* under 35 U.S.C. § 102(b).

Further, *Link* apparently does not disclose applying one of a lock-in detection algorithm and a linear sweep algorithm to extract the test signal as recited in Claims 1 and 10.

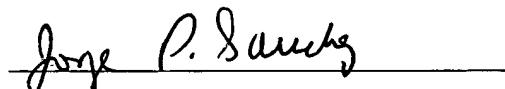
Regarding the rejection of Claim 12, the rejection (P08) compares the XX Test Signal in Levin et al., U.S. Patent 4,994,675 (*Levin*) to the claimed test signal. The XX Test Signal cited by the rejection is disclosed in *Levin* (F3:12; C06 L66) as having low power; however, the rejection fails to show that *Levin* teaches that the XX Test Signal has a level that is commensurate with the system noise level as recited in Claim 12. Accordingly, the rejection fails to show that *Levin* discloses the claimed test signal. Because the rejection fails to show that *Levin* discloses the claimed test signal, amended Claim 12 is not anticipated by *Levin* under 35 U.S.C. § 102(b).

Further, *Levin* apparently does not disclose applying one of a lock-in detection algorithm and a linear sweep algorithm to determine a laser characteristic.

Response to the rejection under 35 U.S.C. § 103

Regarding the rejection of Claims 3 and 4, the rejection (P10) the rejection fails to show that *Link* discloses the claimed test signal as explained above. The rejection (P10-11) also compares the test signal in Walker et al., U.S. Patent 5,889,802 (*Walker*) to the claimed test signal. However, the rejection fails to show that the test signal cited by the rejection in *Walker* (F6; C08 L28-31) has a level that is commensurate with the system noise level as recited in Claims 3 and 4. Accordingly, the rejection fails to show that *Walker* discloses the claimed test signal. Because the rejection fails to show that *Walker* discloses the claimed test signal, the rejection fails to show that amended Claims 3 and 4 are obvious over *Link* in view of *Walker* under 35 U.S.C. § 103(a).

Respectfully submitted,



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encl:

Petition for Extension of Time
Replacement sheets for FIGS. 5 and 7

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